Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1975

No. 75-1557

WOODROW YOKUM,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

PLAINTIFF'S REPLY MEMORANDUM

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JARRETT PRINTING COMPANY, CHARLESTON, W. VA.

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WOODROW YOKUM,
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ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF CLAIMS

PLAINTIFF'S REPLY MEMORANDUM

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1. Section 1. of the Memorandum of the United States in Opposition is seriously misleading. It at least conveys the impression that petitioner was convicted of crimes growing out of the appropriation of the very federal property involved in this action. Moreover, on page 3,

respondent makes the amazing assertion that "the officials in question believed then (and still believe) that the property in question had been stolen from the government". Apart from the fact that no criminal prosecution was ever brought with respect to that property, there is nothing in the record to support this defamatory and gratuitous statement.

2. Respondent has made no answer to one of our major points, that mere seizure of property, pursuant to a search warrant, for use as evidence in a criminal prosecution does not divest the owner of title. Specifically, petitioner's property was seized as "evidence" for temporary use in a criminal proceeding, but, strangely enough, was never used in any criminal proceedings; respondent may retain property seized for use as evidence until the contemplated criminal proceeding terminates, at which time, and only then, respondent becomes under a duty to return the property; and the Statute of Limitations does not begin to run during such temporary use and before the duty to return arises. Petition, Pages 6, 8.

We know of no answer to this point that respondent can make.

3. While some of the promises by respondent's officials to return the property were conditional, others were not. Petition, Pages 4, 5. But even the conditional promises were sufficient. They were flatly inconsistent with any claim of right and so tolled the Statute of Limitations.

4. The Court below has so widely departed from the established principles controlling the running of the Statute of Limitations as to warrant this Court's power of

supervision. We submit that the Court should summarily reverse the decision below.

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